

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**Charlene Marsh et al.,
Plaintiffs,**

v.

**1:05-CV-1263
(GLS/RFT)**

**Albany County District Attorney
et al.,**

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Charlene Marsh
Pro Se
P.O. Box 66336
Albany, New York 12206

FOR THE DEFENDANT:

NO APPEARANCE

**Gary L. Sharpe
U.S. District Court Judge**

Decision and Order

On October 5, 2005, Charlene Marsh filed an order to show cause on behalf of her nineteen year old daughter. In general, a district court may grant a preliminary injunction where the moving party establishes:

(1) that it is likely to suffer irreparable injury if the injunction is not granted, and (2) either

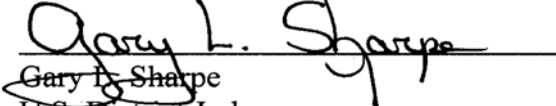
(a) a likelihood of success on the merits of its claim, or

(b) the existence of serious questions going to the merits of its claim and a balance of the hardships tipping decidedly in its favor.

Moore v. Consolidated Edison Co. of New York, Inc., 409 F.3d 506, 510 - 511 (2d Cir. 2005). "Such relief...is an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion. " *Id.*

In this case, no prong of this standard has been met. Accordingly, the order to show cause is DENIED.

October 11, 2005
Albany, New York



Gary L. Sharpe
U.S. District Judge